

Application No.: 09/849,530

Docket No.: 20136-00344-US

REMARKS

Claims 15-30 are now in the application. The indication that claims 19 and 22-25 contain allowable subject matter is hereby noted with appreciation.

Claims 15, 16 and 26 were rejected under 35 U.S.C. §102 (e) as being anticipated by and claims 17, 18, 20, 21 and 27 were rejected as being obvious under 35 U.S.C. §103 (a) over U.S. Patent 6,143,657 to Liu et al. Claims 28-30 were rejected as being obvious under 35 U.S.C. §103 (a) over U.S. Patent 6,143,657 to Liu et al. in view of the Admitted State of the Art.

These rejections are not deemed tenable since 6,143,657 to Liu et al. is not prior art to the present invention.

As stated in our prior response, attached hereto is the signed Declaration under 37 CFR 1.131 and attached exhibits which evidences that the present invention was conceived by the present inventors and reduced to practice in the U.S. by them and/or under their direction and/or supervision prior to January 4, 1999, the filing date of Liu et al. The filing of the Declaration is not to be construed as an admission, acquiescence or estoppel with respect to the rejections over Liu et al. See *Greenwood v. Hattari Seiko Co. Ltd.*, 14 USPQ2nd 1474 (Fed. Cir. 1990). In view of the Declaration, the rejections of claims over Liu et al. are eliminated. For example, see *In re Stempel*, 113 USPQ 77 (CCPA, 1965).

Moreover, since Liu et al fail to even remotely mention silicon oxide and/or silicon nitride, the Declaration is clearly sufficient to overcome the above rejections with respect to claims 28-30.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Please charge Deposit Account No. 22-0185 for any underpayment or credit Deposit Account No. 22-0185 for any overpayment, under Order No. 20136-00344-US from which the undersigned is authorized to draw.

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Respectfully submitted,

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